

**Minutes of the Regular Meeting of the Milford City Council held on Tuesday, November 18, 2014 at 7:00 p.m. at the City Offices located at 26 South 100 West, Milford, Utah.**

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**Present:** Mayor Nolan Davis, Council Members Aaron Cox, Wayne Hardy, Troy Netto, and Russell Smith, City Recorder Monica Seifers, Administrative Assistant Lisa Thompson, City Foreman Ben Stewart, Attorney Leo Kanell.

**Absent:** City Administrator Makayla Bealer and Council Member Karrie Davis

**Visitors:** Carla Fowles, Kiley Wunderlich, Saydee Rollins, Brett Bailey, Garrett Robinson, Bart Fisher, Kincade Partridge, Pedro Madrigal, Douglas Hathaway, Carsen Henrie, Jeffrey Esplin, Alex Mayer, Jaycee Denny, Emily Taggart, Heidi Rose, John Fowles, Jesse Ralphs, Bradley Johnson, Kita Hunt, Kaydon Noyes, Scott Symond, Patricia Stewart, Wade Netto, Tyden Carter, Terry Wiseman, Tony Fusco

**MEETING CALL TO ORDER**

Mayor Davis called the meeting to order at 7:00 p.m. Followed by the Pledge of Allegiance

**RECOGNITION OF VISITOR'S RELATING TO CITY BUSINESS**

**A. Jesse Ralphs, Sunrise Engineering - Master Plan Proposal**

- Master Plan proposal was given during the work session held November 13, 2014. Benefits of the Master Plan were summarized, along with the costs. When the city decides to do one, they will set down and personalize it to the city's needs. The scope could change based on that.
- There are two funding sources for Water Master Plans: CIB (50/50) with a possibility of a loan from DWQ at 0% interest.
- Mayor Davis- Can the City apply through CIB this February, although they may be seeking another project?
- Mr. Ralphs - With it being two different types of projects (master plan and building) it shouldn't affect funding through CIB.
- Mayor Davis - Does this have to be listed on the five county project list?
- Mr. Ralphs - Yes It just needs to be on the list, not necessarily committed to it.
- Mayor Davis - do we have to do an income survey.
- Mr. Ralphs - No. That would just be for the CDGB program.
- CIB and DWR both require a Water Management Conservation Plan whenever funding is requested through them. Conservation measures must be identified in the event of a water shortage. They do not require these be done, but that they are at least identified.
- A Master Plan is a planning tool that provides an independent analysis of the system.
- Mayor Davis asked Mr. Ralphs to attend in an effort to address some issues the city is facing with drainage, water and sewer systems. There are some concerns with growth and the impact on the current system. Council needs to look at budgeting soon for funding of the Master Plan. This will need to be part of the budget process for the forthcoming year.

**B. Billie Dalton - Water Line Proposal**

- **Mr. Dalton was not in attendance**

**C. Tony Fusco, Beaver County Animal Control - Zoning Ordinance Review and Discussion**

- Tony Fusco was in attendance to assist in setting the enforcement of the animal ordinance code. He liked how it was presented but suggested putting some teeth to it to make it enforceable. He explained that all he was able to do was issue a citation. The City needs

to attach a fine that the Justice of the Peace can use to enforce the citation.

- Mayor Davis - Council needs to determine what the penalty will be (Class B Misdemeanor, Infraction, etc.) and get it put into the code.
- Mr. Fusco stated that once that happens it is no longer a zoning law, it will be enforceable by Animal Control. As it is right now it would only be enforceable by a Code Enforcement Officer.
- Council discussed the law enforcement and Administrative Enforcement Code. In order for an offense to be enforced by citation and the judicial system, it has to be a law on the books with a defined penalty and fee.
- Council Member Netto asked Mr. Fusco if he would have time to look over the ordinance and give his suggestion on the fines and penalties.
- Mr. Fusco - Yes. He will provide that to staff prior to the next meeting.

### **CONSENT ISSUES**

Consent issues including bills and payroll and Financial Report - October 2014 were presented.

***MOTION:** Council Member Troy Netto moved to approve the consent issues as presented. Motion was seconded by Council Member Russell Smith. Motion passed, all were in favor.*

### **NEW BUSINESS**

#### **A. John Fowles - Appointment of Library Board Vacancies**

- Maxine Cox, Alison Cox, Miranda Williams, Melanie Coburn, and Don Noyes were recommended for the board due to the recent vacancies. With the appointments of these members, the board would be in compliance with the requirements. Mr. Fowles would like to seek two additional members to have the board operating at full capacity. If any other recommendations come in he will bring it to the Council for appointment.

***MOTION:** Council Member Troy Netto moved to approve the Appointment of Maxine Cox, Alison Cox, Miranda Williams, Melanie Coburn, and Don Noyes to the Library Board as recommended. Motion was seconded by Council Member Wayne Hardy. Motion passed, all were in favor.*

#### **B. John Fowles - Discussion of Library Internet Services/Grants.**

- Milford Library piggy backs internet off of the high school. It has been an ongoing problem. The internet is too slow. Main problem is with the filtering system, I-Boss. He is working on E-Rates, which is a federal program that offers help with reduced rates. He is waiting for bids to come in.
- Mayor Davis asked what it would cost to set up our own.
- Mr. Fowles - Don't know yet, waiting for the bids to come in.
- Mayor Davis is concerned, as is Mr. Fowles.
- Roger Hulet at Mt. West Computers had a temporary fix. When he comes back over, they will look at other options and Mr. Fowles will report back so they can determine what to do next.
- Mayor Davis would like to see the library operate independently. He advised Mr. Fowles to forward the information to Recorder Seifers once he gets the information.

#### **C. John Fowles - Library Hours**

- Mr. Fowles has had a lot of requests for being open on Saturdays and reported that the library was not being utilized between the hours of 5:30 and 6:30 pm. He suggested

closing the library Monday - Friday at 5:30 and open on Saturday from 10 am to 3 pm. This change would not increase or decrease the hours of operation.

- Mayor Davis was in support of the proposal.
- Council Member Netto inquired if these hours would meet the requirements for the library's hours.
- Mr. Fowles explained that the certified hours included the weekends so it would be fine.
- Mayor Davis praised Mr. Fowles for his efforts at the library, he has not heard anything but positive for the work he has done.

## **OLD BUSINESS**

### **A. Horn Silver Estates Subdivision Update**

No Update

### **B. CIB Project Update - Jesse Ralphs**

- Mayor Davis met with Commissioner Whitney today who is fully on board with the fee schedule as proposed. He asked if there was any chance of doing an RDA - redevelopment of Main Street. Proposed a revitalization project from Chevron south.
- Mr. Ralphs has not had any involvement with RDA but would be happy to look into it.
- Mayor Davis is open to looking into long term development that includes city hall, post office, and various retail space.
- Mr. Ralphs will look into it and let Mayor Davis know.
- Bill Western received the energy analysis. It did come in a little higher than expected. Only had one month on the natural gas. Jesse explained that newer commercial buildings are held to a higher standard than older buildings. Even though it may be more efficient, there are going to be some demands that are not currently acknowledged. These things are hard to put in the analysis; there are just too many unknowns until the building is laid out. He just wanted to let us know that with the current codes it may not end up being a lot cheaper, just more efficient.
- Mr. Ralphs stated that they tried to keep the multipurpose room the same size as the current recreation hall, stating that if the city tries to make a room that is good for everything, it won't be good for anything. Focus should be on specific uses such as Council Meetings, Judges Chambers, and then public use, i.e. weddings, showers, parties, etc. If try to design for a basketball court, it still may not be large enough and will end up with 20 foot high ceilings which are very hard to heat and cool and will affect the operating costs.

### **C. Bat remediation/Building Update - Leo Kanell**

- Attorney Kanell clarified the letter that was received via email from the church representatives. The city first asked if they would consider giving the city the building and giving up the restrictions. In the mean time we had sent them a letter stating that we would rather consider turning the building back.
- Attorney Kanell explained that in the letter received from them, they stated they were going to fight the city on the premise that the property is not in the same shape it was when they gave it to us.
- Mayor Davis takes exception to the comment that the city failed to take care of the building. We inherited the bat problem and have done a lot to rectify the situation, spending thousands of dollars in improvements and prevention. They realize it and they don't want to deal with it.
- Attorney Kanell agreed, it was not a maintenance issue, as Milford City has maintained the building. We need to find a way to remediate that isn't going to cost \$200,000.00.
- Mayor Davis cited that it will be nearly impossible, he has done hours of research and this is an ongoing problem that will not be easy or cheap to rectify. It would entail taking the entire roof off and replacing and then bringing the ceilings down to cover the asbestos.

- Les Whitney added that the asbestos problem is not restricted to the in the ceiling, there is an entire cell beneath the council chambers.
- Mayor Davis suggested replying to the church that Milford City has maintained the building and has put a lot of improvements and money in rehabilitation.

### **C. Family Dollar Update**

No update.

### **COMMENTS**

- Attorney Kanell stated that Milford City and Beaver County have a good relationship but he felt the city needs to send a letter to the county in regards to the police contract. The county is doing their budget right now and Leo strongly urges the council to send a letter to the county. The city is bearing the liability of someone on the department losing their job if the county terminates a position from the budget. Council Member Netto stated that the council sent that letter last year and have been trying to work the contract details out. Attorney Kanell - we don't really have a mechanism in place to get caught up if we don't cut the contract amount down, do we. Mayor Davis - yes, we have already budgeted to may 15 payments this year and 15 payments the following budget year and this has been communicated to and agreed upon by the sheriff and the commissioners. Attorney Kanell - if they are okay with that, then fine, but they will be proposing increases. If the city feels they can do it, then fine, but it is more than what Leo feels the city can pay. Mayor Davis - what if the city says we are only going to pay for X amount of hours. Council already knows that we cannot afford to provide law enforcement on our own. Council Member Netto agrees that some negotiation needs to take place. We have been trying to discuss it; we can't seem to get the group together for a round table discussion. Mayor Davis stated that they have tried and it keeps getting pushed off by the sheriff and commissioners because the so called lack of information. We need to have those meetings and see what is going to cost to go out county wise. We do not want to jeopardize the existing coverage. Council wants to keep it status-quo but there does need to be some negotiating. Mayor Davis has talked with the sheriff and commissioners and they are comfortable with the agreement we have in place. Council Member Cox asked for clarification. Attorney Kanell explained that the only way they can change the contract is to reduce the coverage in Milford by moving a deputy into corrections if available. Mayor Davis explained that the county created this situation as they changed the coverage from 16 hours a day to 24 hours a day, unbeknownst to the city. That was never communicated or negotiated. Leo's understanding was that the city wasn't making the payment because they couldn't afford it. Mayor Davis stated that the payments were being made and the city contacted the county for statements and was told that they didn't have any outstanding invoices and were paid up. Several months later the county came back and said we had outstanding invoices. The city has been trying to get it back on track but it had to be worked into the budget. Attorney Kanell asked if we can afford another \$1,000 a month payment, he is concerned that the reason the city is behind is because they can't afford it. City Recorder Seifers addressed Leo's statement that the city couldn't afford the payments, stating that was not the case. She explained that the city council only included a certain amount in the budget for the, so the problem wasn't that the city couldn't afford it, it was because it was not budgeted under the assumption that the contract would be negotiated. The succeeding budget was increased to include the delinquent payments, taking the six outstanding invoices over two budget years, providing for three additional payments per budget year. This was agreed to in meetings with the sheriff and contract. It isn't a cash flow issue, it's a budgeting issue. Mayor Davis added that the sheriff's department increased their hours and the Council wanted to sit down and negotiate the terms. Everything has been put on hold until after the elections, the elections are over. Attorney Kanell - we can analyze and micro analyze it but it all comes down to one person, a person here working, and the only

way to get it down is to cut one person. The county needs to plan for this. That is the negotiation that has to happen. Leo is concerned with making contract payments when the property tax revenue comes in and making the bond payments at the same time. Mayor Davis and City Recorder Seifers explained that the bond payments were going to be covered by the funds in the State Treasury account. Attorney Kanell was concerned with setting aside money from the taxes for the State Treasury account. Mayor Davis will notify the commissioners on Thursday that the Council wants to schedule a meeting.

- Council Member Troy Netto - Reported that there was dirt being dumped behind the Senior Citizen's Center to be used on field improvements at the high school. The high school is funding new dirt on the field. Should be done by the weekend. Lion's Club is helping.
- Council Member Netto - Lion's Club is also doing a project. Trying to raise money to do improvements at the city's recreation complex. They are asking Beaver Travel Council for funding. If project takes place it will come together next spring. Will need some assistance from the city crew, in addition to the Lion's Club and inmate work crew. Mayor Davis suggested that they contact EC Source to see if they have any funding available. Council Member Netto stated they had asked for funding on the Tube Hill project, but it hasn't come through yet. Council Member Netto will try to have an update for the next meeting.
- Mayor Davis - Met with CDGB Funding in regards to funding of a new building. The only part of a new building we could get funding on would be a large multipurpose room, if we made it into a Community Center, and funding would be available up to \$150,000 one year, and then you could reapply for another \$150,000 the following year. The drawback of this is that they have to use Davis Bacon wages which are way higher and takes the overall cost higher. In order to apply for CDBG funding, we would have to do a survey. Five County Association of Governments will send out the random surveys. These are done to give a median income. The surveys are sent back to Five Counties and they prepare the results and forward to CDGB. This is a requirement if going to apply for CDGB and is good for 5 years. There is no cost to the city.

### **MEETING ADJOURNMENT**

As there was no further business the meeting adjourned at 8:33 p.m.

**APPROVED by City Council this 16<sup>th</sup> day of December, 2014.**

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**MONICA D. SEIFERS, City Recorder**